IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 139 OF 2003

RAUF International & Ors. ...Petitioners

Versus

Central Bank of India, Pune ...Respondent

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Mr. R.N. Sanghavi, counsel for Petitioners

Ms Jyoti A. Ghag i/b M/s. Thakore Jariwala & Associates, counsel for Respondent.

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CORAM: B. H. MARLAPALLE, J.

DATED: 10TH MARCH, 2005

P. C.:-

1. Civil Application No. 611 of 2005 has been filed in this petition praying for disposal of the petition in terms of the consent terms.

2. Civil Suit No.427 of 1991 came to be decreed exparte by judgment and order dated 26.9.97 and Misc. application No.203 of 98 was filed for condonation of delay in applying for restoration and/or to set aside the exparte decree. This application was dismissed by the trial Court on 22.12.2000 and Civil Revision Application No.146 of 2001 came to be filed before this Court against the said order. Pursuant to the amendment made in the C.P.C. from July, 2002, the Civil Revision Application was disposed of as not maintainable and hence, this writ petition has been filed challenging the order passed in Misc.

Application No.203 of 1998.

3. During the pendency of this petition, it appears that the petitioners-borrowers continued their efforts to settle the dispute with the respondent Bank and both the parties have now settled the dispute in terms of the consent terms which have been signed and duly verified. The consent terms are taken on record and marked as "X" for identification. The parties have agreed that they would be bound by the consent terms and the Civil Suit No. 427 of 1997 would stand decreed in terms of these consent terms.

4. The petition is accordingly disposed alongwith the civil application and the registry shall issue a decree in terms of the consent terms. The respondent Bank would return the documents as per the undertaking given by them. Pay Order for an amount of Rs.13,38,395/- (Rupees Thirteen lakhs thirty eight thousand three hundred ninety five only) drawn in favour of the respondent Bank has been handed over to the learned counsel for the respondent today and therefore, the Bank Guarantee of Rs.5,00,000/- would be released by the Bank immediately.